IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Bail Appl..No. 3827 of 2007()

CRIME NO. 128/06 OF KANNUR TOWN POLICE STATION
CC.198/2006 of J.M.F.C.-I, KANNUR

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PETITIONER : ACCUSED;

K.C.ASMABI, D/O.K.L.MOHAMMED KUNHI,
K.C.HOUSE, NEAR POLICE STATION, VALAPATTANAM,
KANNUR DISTRICT.

BY ADV. SRI.P.M.PAREETH

RESPONDENTS: RESPONDENT:

STATE OF KERALA REPRESENTED BY STATION
HOUSE OFFICER, VALAPATTANAM POLICE STATION
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 3827 of 2007

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Dated this the 26th day of June, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations under Section 420 r/w. 120B I.P.C. The learned Prosecutor, on instructions, submits that the investigation is complete. Final report has already been filed. Cognizance has been taken by the learned Magistrate and a case has been registered as C.C.No. 198 of 2006 before the J.F.C.M.-I, Kannur. A warrant of arrest has been issued against the petitioner, it is submitted.

2. I am satisfied that this is a fit case where the petitioner must resort to the ordinary and regular procedure of appearing before the Investigator or the learned Magistrate having jurisdiction and then seek bail in the ordinary course. The final report having already filed and cognizance having already taken, though there is no want of jurisdiction or competence to issue direction under Section 438 Cr.P.C. Appropriate directions to ensure interests of the petitioner can be issued.

3. This application is accordingly dismissed with the following directions/observations. The non-bailable warrant issued against the petitioner shall not be executed till 4.7.2007. The petitioner shall in the meantime appear before the learned Magistrate and apply for bail. Needless to say, if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously, on the date of surrender itself.

(R. BASANT)
Judge

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